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### NOTES OF CASES.

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**Ancient Lights—Obstruction—Measure of Damages.**—*Griffith v. Clay* (1912) 2 Ch. 291. In this case the simple question was, what is the proper measure of damages for obstruction of ancient lights in the following circumstances. The plaintiff was the owner of two houses fronting on a street and the windows facing the street were ancient lights. The defendant erected a building on the opposite side of the street which obstructed the plaintiff's ancient lights. The plaintiff's houses were old and dilapidated and would soon have to be demolished; the neighborhood had ceased to be residential, but was adapted for factories and workshops, and the site of the houses, together with a piece of land in the rear thereof, also owned by the plaintiff would form a building site suitable for a warehouse or factory and the value of this building site as a whole would be diminished by the obstruction of the light in front. *Neville, J.*, held that the damages recoverable by the plaintiff were not limited to the depreciation in the value of the two houses, but extended to the loss in value of the whole of the plaintiff's premises considered as one building site, and this conclusion was affirmed by the Court of Appeal (*Cozens-Hardy, M. R.*, and *Buckley, and Kennedy, L. JJ.*).—*Canada Law Journal* for September.

**Note.**—While this case is of little practical value in this country, because the doctrine of ancient lights was never adopted to any extent in the United States as being unsuited to the conditions of a growing country, yet it is interesting to know that as late as 1912 old England still adheres to this doctrine that is a distinct clog to progress, and for that reason was repudiated in Virginia at an early date. *Tunstall v. Christian*, 80 Va. 1. It is not adapted to the rapid physical development of the country, especially in cities and towns, and controversies arising therefrom are always attended with much bitterness and ill-feeling on the part of the litigants. The doctrine in England has been crystalized in a statute and even overrides local customs and usages. See State 2 and 3 Wm. IV, c. 71, § 3, known as the Prescription Act.

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**Marriage with Deceased Wife's Sister—Rejection from Communion—Lawful Course.**—In *Thompson v. Dibdin* (1912) A. C. 533, the House of Lords (*Lord Loreburn, L. C.*, and *Lords Macnaghten, Atkinson, Shaw, and Robson*), have determined that members of the Church of England who marry their deceased wife's sisters, cannot properly be regarded by clergymen of the Church of England as "notorious evil livers." In the opinion of their Lordships, it is an immaterial circumstance that the ecclesiastical authorities regard such marriages as a breach of the Divine law, so that according to this decision a person may be a wilful violator of what the Church